

# **CHILD PROTECTION SERVICES AND FAMILY SERVICES MAY LOOSE POWER TO TAKE CHILDREN ACCORDING TO NINTH CIRCUIT COURT OF APPEALS**

by MONTANA NEWS ASSOCIATION

What the Ninth Circuit Court of Appeals said about CPS and Family Services. ( Camreta v. Greene )

1. " The court held the seizure under these circumstances VIOLATED the Fourth Amendment"
2. " Several Circuit courts have found that Child Protective Services (CPS) Agents investigating child abuse are the functional equivalent of police officers conducting such investigations and should, therefore, be governed by the same Fourth Amendment standards"
3. " The juvenile dependency system in this country is DYSFUNCTIONAL."
4. " Even Justice Carlos Moreno of the California Supreme Court has noted that the system is in need of A MAJOR OVERHAUL"
5. "The problem stems in part from CPS agents lack of proper education, training, accountability, and oversight."
6. " An unwarranted intrusion upon a family may be as devastating to a child as any failure to act in a case of severe abuse."
7. Through misuse of this power - whether intentional or negligent social services agencies have become feared institutions in the minds of many Americans. This compels adoption of a constitutional standard adequate to insure CPS agents and police officers carry out their mandate- to protect children and preserve families where possible- without denigrating the rights of those they are charged to protect."
8. " Judicial Review is essential in the absence of emergency or parental consent"
9. " Experience demonstrates that when CPS agents and police or sheriffs investigating alleged child abuse bypass judicial review, violations of constitutional rights of children and parents often occur."
10. " Allowing CPS agents and policemen to interview children at school in the absence of exigency, parental consent, or a warrant as Petitioners urge, will undoubtedly lead to many more abuses of families.."
11. " The joining of forces, required by CAPTA, between CPS agents and police creates doctrinal confusion under the Fourth Amendment because of the mixed motives of government officials"
12. " One could surmise the only reason these agents went to the school to interrogate this little girl was that they were trying to skirt the constitutional warrant."
13. " This has become a widespread practice among police and CPS Agents
14. " No remedy Exists in the juvenile courts for abuse of Constitutional rights"
15. " The vast majority of CPS agents lack the education and training required to qualify as a "professional"
16. " As stated earlier, CPS agents in general are not professionals. The word professional implies a certain level of expertise, education, and training that is lacking in those who generally work for CPS."
17. "This means that 84% of caseworkers who work for CPS have no education, background, or training to work in a field that allows them to make momentous decisions about whether children should be removed from their parent's care, custody and control. By comparison to police officers, CPS agents are undereducated, undertrained, and poorly versed in constitutional principles"
18. "Other systemic issues illustrate the need for a check on the power of CPS agents"
19. " The government's vital interest in preventing child abuse does not require sacrifice of Fourth Amendment protections"
20. " Money creates a perverse incentive in the juvenile system"
21. " Since the funding is tied to the removal and adoption of children, little effort is made to keep children at home with services to the parents. The longer children remain out of the home, the more money CPS agencies receive.
22. This funding under Title IV-E of the Social Security Act has spawned a huge child abuse industry.
23. "It is the function of the neutral magistrate, not CPS agent, to determine what constitutes probable cause as required by the Fourth amendment."